IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.Rev.Pet.No. 373 of 2000(B)

CRA.66/1998 of ADDL.SESSIONS COURT, KOZHIKODE
CC.174/1995 of JUDL.MAGISTRATE OF FIRST CLASS-II, THAMARASSERY .
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REVN. PETITIONER: APPELLANT/ ACCUSED

BIJU @ KURIAKOSE, S/O. JOSEPH,
MUKALATH HOUSE, NELLIPOYIL AND AMSOM
AND DESOM OF KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: RESPONDENT/ COMPLAINANT

THE SUB INSPECTOR OF POLICE,
KODANCHERY, REP.BY THE
PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.373/2000

ORDER ON CRL.MP. NO. 2190/2000, 3008/01 IN CRL.RP. 373/2000

DISMISSED

09.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

tss

K.R. UDAYABHANU, J.

CRL.R.P.NO.373 OF 2000

DATED THIS THE 9th AUGUST 2007

ORDER

The revision petitioner stands convicted for the offence under Section 392 I.P.C. and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.2000/- and in defualt to undergo rigorous imprisonment for six months. The prosecution case is that on 27-5-1994 at about 3.40 p.m. the accused with the intention of committing robbery attacked PW4 with a knife and snatched away the gold chain from the neck of the de facto complainant and ran away.

2. The evidence adduced in the matter consisted of the testimony Pws.1 to 15 and Exts.P1 to P11 and Mos. 1 to 4.

3. PW4 is the de facto complainant herself and Pws.1 and 2 are the neighbours who rushed to the spot on hearing the cries of PW4, the de facto complainant. It was brought out that PW4 has sustained lacerated injuries and compound fracture on the proximal area of the right middle finger. MO.4 knife and MO.1, the piece of the gold chain was recovered as per Section 27 statement of the accused who was arrested on 29-5-1994. It is seen that the injuries sustained by PW4, which has been proved by PW15, the Doctor who proved Ext.P11 wound certificate, are only lacerated wounds except the

fracture on the finger. The evidence of Pws.4, 1 and 2 stand not discredited. No contradiction or omission with respect to the previous statement of the above have been brought out. In the circumstances, I find no reason to interfere in the findings of the courts below. The conviction is confirmed.

Counsel for the revision petitioner has pleaded for leniency pointing out that at the time the accused was aged only 19 years and hat he was the neighbour of the de facto complainant and more than 13 years have elapsed since the commencement of the proceedings and that the accused was facing ordeal of criminal proceedings so far. It is also pointed out that he had undergone pre-trial detention for a period of five months, i.e. from 30-5-1994 to 20-10-1994. In the circumstances I find that the sentence is liable to be modified. Hence, the sentence is modified to imprisonment already undergone and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for six months. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

ks.

K.R.UDAYABHANU, J

CRL.R.P. NO. 373 OF 2000
ORDER

9-8-2007